

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

MAINE STATE  
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manager, that is something for which they would be answerable to the inhabitants of the town. They would, in effect, not be carrying out the wishes of the voters of the town, as the result would be the same as though the inhabitants had affirmatively voted for the employment of a town manager and the selectmen had ignored the vote. It is all a question of whether the selectmen can justify their non-action in that respect. . .

ABRAHAM BREITBARD  
Deputy Attorney General

January 30, 1946

To Honorable Guy H. Sturgis, Chief Justice

I received your letter of January 28th requesting me to direct you to the authority, if any, for making bonds of clerks of courts payable to the Treasurer of State instead of the State of Maine, which you state in your letter seems to have been the practice of some surety companies and is said to be pursuant to advices from this office.

I find no authority in the statute for bonds of clerks of courts being payable to the Treasurer of State, and I can find no ruling in this office to the effect that bonds of clerks of courts should be payable to the Treasurer of State instead of the State of Maine.

It seems to me that Chapter 5, P. L. 1945, is the last word on bonds of clerks of court. This provides that they shall each give a surety bond to the State, etc., in amounts and forms approved by the Chief Justice.

It is my opinion that all bonds of clerks of courts should be made out to the State of Maine and deposited with the State Auditor after the amount and form have been approved by the Chief Justice. . . .

RALPH W. FARRIS  
Attorney General

February 1, 1946

To Lucius D. Barrows, Chief Engineer, State Highway Commission  
Re: Anticipation of Future State Aid Allotments by Towns

I received your memo of January 18th relating to a letter received by you from Frank L. Whitney of Surry, who is interested in the construction of the Newbury Neck road in Surry.

Since I received your memo, Senator Noyes of Franklin and Mr. Whitney have been in my office and I talked with you on the telephone while they were present in my office. I then advised Senator Noyes and Mr. Whitney what my ruling would be in this matter.

You state in your memo: "You will note that Mr. Whitney proposes that the town finance the construction of this road as a state aid highway and then have its notes gradually paid off by reimbursements from the